

DECLARATION AND POWER OF ATTORNEY

401/68 *402/68*
We, Don A. Perry and H. Earl Wright, declare as follows:

The residence and post office address of Mr. Perry is 742 Wolf Road, Decatur, Illinois *IL* 62526 and the residence and post office address of Mr. Wright is 12 Eighth Drive, Decatur, Illinois *IL* 62521. We are both citizens of the United States of America.

We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "Touch Enhancing Pad" the specification of which is attached.

We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 C.F.R. §1.56(a).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

301 We hereby appoint Philip L. Bateman, Registration Number 30,127, our attorney, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all correspondence and phone calls to Mr. Bateman at P. O. Box 1359, Decatur, Illinois 62525, (217) 429-4325. *602* *701*

DATED this 12 day of April, 1989.

Don A. Perry
DON A. PERRY

H. Earl Wright
H. EARL WRIGHT

REISSUE DECLARATION

We, Don A. Perry and H. Earl Wright, declare as follows:

We believe Perry et al., U.S. Patent 4,657,021, issued April 14, 1987, (the "Patent") is partly inoperative because we claimed less than we had a right to claim. The independent claim, Claim 1, recites that the sealed enclosure is made of a single piece of material. We now know that a satisfactory apparatus can be made from a sealed enclosure of two pieces of material.

At the time the patent application which matured into the Patent was filed, we believed the preferred enclosure was a single piece of natural latex rubber. The physical properties of latex rubber were excellent for touch enhancement. Touch-enhancing pads made of two pieces of synthetic rubber material had been tested, but they appeared to be inferior to the latex rubber pad. Accordingly, although the specification recited that the enclosure could be made by joining together a plurality of pieces of material and although original Claim 1 did not recite the number of pieces in the enclosure, we expected the commercial product to be made of a single piece of natural latex rubber.

During prosecution of the Patent, the recitation of the single piece of material was added to Claim 1 as an additional means to distinguish the claim from the primary references, Paschal and Madden. At the time the Patent issued, we still expected the commercial product to be made of a single piece of latex rubber.

After the Patent had issued, a polyurethane synthetic rubber material was investigated and was found to have physical properties similar to those of latex rubber. However, it was still believed that an enclosure made of two pieces of polyurethane film was less desirable than an enclosure made of a single piece of latex rubber. Nevertheless, we filed a second patent application entitled "Touch Enhancement" on October 20, 1987 and disclosed the use of two pieces of polyurethane film joined together to form a sealed enclosure. This application matured into U.S. Patent 4,793,354.

The touch-enhancing pad (sold under the trademark "Sensor Pad") was first commercialized in April, 1988. The product has been very popular and thousands have been sold to date. The Sensor Pad has received widespread recognition as a valuable aid in performing breast examinations and we were recently named as one of the twenty finalists in the 1989 Inventor of the Year Award sponsored by the Intellectual Property Owners Foundation.

As the manufacture of the Sensor Pad continued, work was begun with a manufacturer of polyurethane film, Lord Corporation, on developing a formulation which would have touch enhancing properties equal to those of latex rubber. By the fall of 1988, a custom formulation had been developed which we believe is equal to, if not superior to, latex rubber. Although an enclosure made of this material must be sealed and the presence of a seam is somewhat undesirable, the material offers some significant advantages. First, the material is more vapor proof than latex rubber so there is less tendency for the pad to dry out. Secondly, the material is less prone to discoloration and aging than latex rubber. Thirdly, the material is less expensive than latex rubber. Fourthly, and probably most importantly, the polyurethane material can be heat sealed while latex rubber cannot. The latex rubber enclosure required a bulky physical clip to seal off the opening while the enclosure made of polyurethane contains a uniform seam around its circumference.

Because of these advantages, the decision was made in late 1988 to switch from latex rubber to polyurethane film for the Sensor Pad enclosure. Samples of the Sensor Pad made from latex rubber and from polyurethane film are enclosed. With the change to a two-piece enclosure, we found that the language of the claims in the Patent could be interpreted as not literally reading upon the new commercial touch-enhancing pad.

We believe an error was made in our failure and in the failure of our patent attorney to appreciate the scope of our invention. Had we and our attorney better appreciated the scope, we would not have added the recitation of a single piece of material to Claim 1 during the prosecution of the Patent. This error was made without any deceptive intention on our part.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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DON A. PERRY

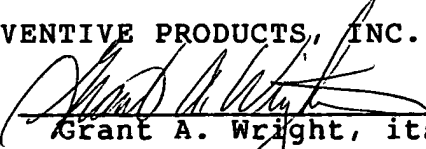

H. EARL WRIGHT

ASSENT OF ASSIGNEE

Inventive Products, Inc., a Delaware corporation, assignee of Perry et al., U.S. Patent 4,657,021, issued April 14, 1987, assents to the application for reissue of the Patent.

INVENTIVE PRODUCTS, INC.

By


Grant A. Wright, its
President

AMENDED REISSUE DECLARATION

We, Don A. Perry and H. Earl Wright, declare as follows:

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We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "Touch Enhancing Pad" the specification of which was previously submitted.

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We acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 C.F.R. §1.56(a).

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At the time the patent application which matured into the Patent was filed, we believed the preferred enclosure was a single piece of natural latex rubber. The physical properties of latex rubber were excellent for touch enhancement. Touch-enhancing pads made of two pieces of synthetic rubber material had been tested, but they appeared to be inferior to the latex rubber pad. Accordingly, although the specification recited that the enclosure could

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After the Patent had issued, a polyurethane synthetic rubber material was investigated and was found to have physical properties similar to those of latex rubber. However, it was still believed that an enclosure made of two pieces of polyurethane film was less desirable than an enclosure made of a single piece of latex rubber. Nevertheless, we filed a second patent application entitled "Touch Enhancement" on October 20, 1987 and disclosed the use of two pieces of polyurethane film joined together to form a sealed enclosure. This application matured into U.S. Patent 4,793,354.

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As the manufacture of the Sensor Pad continued, work was begun with a manufacturer of polyurethane film, Lord Corporation, on developing a formulation which would have touch enhancing properties equal to those of latex rubber. On or about June 20, 1988, a custom formulation was developed which we believed was equal to, if not superior to, latex rubber. Although an enclosure made of this material must be sealed and the presence of a seam is somewhat undesirable, the material offers some significant advantages. First, the material is more vapor proof than latex rubber so there is less tendency for the pad to dry out. Secondly, the material is less prone to discoloration

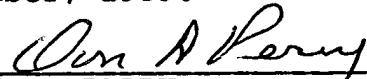
and aging than latex rubber. Thirdly, the material is less expensive than latex rubber. Fourthly, and probably most importantly, the polyurethane material can be heat sealed while latex rubber cannot. The latex rubber enclosure required a bulky physical clip to seal off the opening while the enclosure made of polyurethane contains a uniform seam around its circumference.


Because of these advantages, the decision was made on (or about August 25, 1988) to switch from latex rubber to polyurethane film for the Sensor Pad enclosure. The first order for commercial quantities of the polyurethane film was placed on or about October 5, 1988. Samples of the Sensor Pad made from latex rubber and from polyurethane film were previously submitted. With the change to a two-piece enclosure, we found that the language of the claims in the Patent could be interpreted as not literally reading upon the new commercial touch-enhancing pad.

We believe an error was made in our failure and in the failure of our patent attorney to appreciate the scope of our invention. Had we and our attorney better appreciated the scope, we would not have added the recitation of a single piece of material to Claim 1 during the prosecution of the Patent. This error was made without any deceptive intention on our part.

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DATED this ____ day of November, 1989.



DON A. PERRY


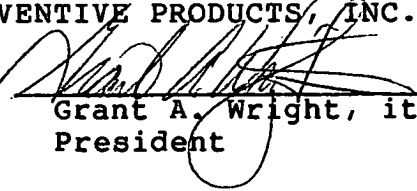
H. EARL WRIGHT

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